

SCOTTSDALE

CITY COUNCIL MEETING

NOTICE AND AGENDA



COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, September 20, 2005

3:30 P.M.

CITY COUNCIL SPECIAL MEETING - MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **3:31 P.M.**

Roll Call – **MAYOR MANROSS ABSENT, ARRIVED 3:47 P.M.**

How the Board and Commission Interview and Appointment Process Works: The Council will spend a few minutes interviewing each board and commission nominee. At the conclusion of the interviews, the Council will make the appointments. Once the appointments have been made, the Council will take a short recess and reconvene at 5:00 p.m. to consider the remainder of the items on tonight's agenda.

Interview of citizen nominees and appointments to City boards and commissions.

Airport Advisory Commission. *Nominees:* Sean Asmus, Tim Greenfield, Lawrence King, Odell L'Heureux, Robert Mangam, William O'Donnell, Daniel Porth, Arthur Rosen, Lois Yates
Council action to fill two vacancies. – **APPOINTED: SEAN ASMUS, LOIS YATES**

Board of Adjustment. *Nominees:* Patrick Davis, Jennifer Goralski, Carol Perica
Council action to fill two vacancies. – **APPOINTED: JENNIFER GORALSKI, CAROL PERICA**

Development Review Board. *Nominees:* Michael Edwards, Laurence Hampton, Tony Nelssen, Michael Schmitt
Council action to fill one Design Member vacancy. – **APPOINTED: MICHAEL SCHMITT**

Housing Board. *Nominees:* Del-Monte Edwards, Sheldon Sigismund, Michele Swinick, Nicholas Thomas, Brian Vernon, Jr.
Council action to fill three vacancies. – **APPOINTED: DEL-MONTE EDWARDS, SHELDON SIGESMUND, MICHELE SWINICK**

Library Board. *Nominees:* Denise Dowers, Marilyn Murphy, Carole Padwe, Karen Quinn
Council action to fill two vacancies. – **APPOINTED: DENISE DOWERS, KAREN QUINN**

Scottsdale Pride Committee. *Nominees:* Sandra Kaibetony, Joe Rios
Council action to fill one vacancy. – **CONTINUED TO OCTOBER 18, 2005**

Adjourn Special Meeting – **5:01 P.M.**

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:18 P.M.**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **WEBELOS DEN 3, PACK 448, LARRY KOHLER, LEADER**

Invocation – **PASTOR FRANK SHIRVINSKI, CHAPPARAL CHRISTIAN CHURCH**

Public Comment – **DANIEL BASINGER, CHAIRMAN OF THE ENVIRONMENTAL QUALITY ADVISORY BOARD, INVITED THE PUBLIC TO THE GREEN BUILDING EXPO ON SEPTEMBER 23RD-24TH, AND CONGRATULATED THE CITY ON RECENT VALLEY FORWARD AWARDS.**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes – **OK – 7/0**

SPECIAL MEETINGS

[August 30, 2005](#)
[September 6, 2005](#)

REGULAR MEETINGS

[August 29, 2005](#)
[August 30, 2005](#)
[September 6, 2005](#)

EXECUTIVE SESSIONS

March 8, 2005
April 5, 2005
April 19, 2005
April 26, 2005
May 3, 2005
May 10, 2005

EXECUTIVE SESSIONS (continued)

June 7, 2005
June 14, 2005
June 21, 2005
June 28, 2005
July 5, 2005
July 6, 2005

CONSENT AGENDA **ITEMS 1 - 11**

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. [Jalapenos Mexican Café Permanent Extension of Premises](#) – **OK – C**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises to expand into an adjacent suite and add a patio.

Location: 23587 N. Scottsdale Road

Reference: 38-EX-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

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2. **Barcelona Permanent Extension of Premises – OK – C**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises to add a patio and additional dining area.

Location: 15440 N. Greenway-Hayden Loop

Reference: 39-EX-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. **Tango Grill (Restaurant) Liquor License – OK – C**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license.

Location: 10999 N. Frank Lloyd Wright Boulevard

Reference: 44-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

4. **DC Ranch Parcel T4 Final Plat – OK – C**

Request: Consider Final Plat approval for 23 residential lots on a 26.3-acre parcel.

Location: Horseshoe Canyon Drive and East Thompson Peak Parkway

Reference: 27-PP-2004#2

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

5. **Cateraz LLC Café and Catering Conditional Use Permits – OK – C**

Request: Consider conditional use permits for a restaurant and for food processing and preparation (catering business) in an existing building located at 7625 E. Redfield Road with Industrial Park (I-1) zoning.

Location: 7625 E. Redfield Road

Reference: 11-UP-2005 and 12-UP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

6. **Miller Townhomes Amended Site Plan and Stipulations – OK – C**

Requests:

1. Amend the site plan and stipulations from Case 1-ZN-1999 on a portion (30,000 +/- square feet) of the total 5.27 +/- acre parcel located at 1501 N. Miller Road with Multiple Family District (R-5) zoning.
2. Adopt Ordinance No. 3638 affirming the above site plan and stipulations.

Location: 1501 N. Miller Road

Reference: 1-ZN-1999#2

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

7. **Grant Funding for Full-Service Crime Laboratory Improvements – OK – C**

Request: Adopt Resolution No. 6722 authorizing the Police Department to accept the Arizona Criminal Justice Commission Full-Service Forensic Crime Laboratory Grant Program one-year grant in the amount of \$100,000. The grant will allow the Police Department to provide training and equipment necessary to enhance the Crime Laboratory's ability to perform crime scene reconstruction and also provide the funds to purchase a gas chromatograph/mass spectrometer needed to expand the lab's ability to perform toxicological analysis of drugs in blood samples. The grant was anticipated and included in the approved FY 05/06 Budget. There are no City cost-sharing requirements.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-5310, arodbell@scottsdaleaz.gov

8. **Accept the Motor Carrier Safety Assistance Program Grant – OK – C**

Requests:

1. Adopt Resolution No. 6728 authorizing the Police Department to accept the Motor Carrier Safety Assistance Program grant from the Arizona Department of Transportation for \$64,200. The Department of Public Safety has been designated as the Lead Agency. The grant will allow the Police Department to purchase a vehicle, computer equipment and other enforcement tools to use for commercial vehicle inspections.
2. Approve the budget transfer of \$64,200 from the Grants Future Budget to the assigned Grant Center. The grant was anticipated and included in the adopted FY 05/06 Future Grants budget. There are no City cost-sharing requirements.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-5310, arodbell@scottsdaleaz.gov

9. **Modification of Assessments for the Bell II Improvement District – OK – C**

Request: Adopt Resolution No. 6730 which will modify improvement district assessment numbers 000.0011 and 012 for water lines, sewer lines and street improvements within the Bell II Improvement District, Series No. 106.

Related Policies, References:

- Council adopted Resolution No. 5751 declaring the intention to form the improvement district on February 4, 2001.
- Council adopted Resolution No. 5832 ordering work to begin within the district on June 5, 2001.
- Council adopted Resolution No. 5961 approving the Assessment Diagram and ordering the Sale of Not to Exceed \$7.9 Million in Improvement District (ID) Bonds on November 5, 2001.
- Council adopted Resolution No. 6262 approving final assessments on April 1, 2003.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

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10. Authorize Lease for Development of a Fiesta Bowl Museum at the Waterfront – MOTION TO APPROVE – OK – 6/0 (BD ABSTAINED)

Request: Adopt Resolution No. 6721 authorizing City of Scottsdale Contract No. 2005-143-COS, a lease agreement with the Arizona Sports Foundation (dba the Tostitos Fiesta Bowl) for 4,000 square feet of City space at the Scottsdale Waterfront project for the development of a Fiesta Bowl museum adjacent to the new Fiesta Bowl headquarters space.

Related Policies, References:

- Scottsdale Waterfront Development Agreement (10/07/03)
- Economic Vitality Strategic Plan

Staff Contact(s): David Roderique, Economic Vitality General Manager, 480-312-7601, droderique@scottsdaleaz.gov

11. Formation of the Scottsdale Waterfront Commercial Community Facilities District – MOTION TO APPROVE – OK – 6/0 (BD ABSTAINED)

Requests:

1. Adopt Resolution No. 6724 ordering and declaring formation of the Scottsdale Waterfront Commercial Community Facilities District.
2. Authorize the District Development, Financing Participation, and Intergovernmental Agreement No. 2005-148-COS.
3. Authorize the Community Facilities District to participate in the self-insurance liability program of the City.
4. Adopt Resolution No. 6734 authorizing an amendment to Development Agreement No. 2003-164-COS.

Related Policies, References: Resolution No. 6674, dated May 17, 2005, Adopted Financial (Debt) Policies and the City's Procedural Guidelines for Community Facility Districts. Arizona Revised Statutes 48-708.

Staff Contact(s): Alex McLaren, Construction and Design Director, 480-312-7099, amclaren@scottsdaleaz.gov; Lee Guillory, Finance Manager, 480-312-7084, lguillory@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

12. Scenic Corridor Signage Text Amendment – MOTION TO CONTINUE FOR TWO WEEKS (OCTOBER 4, 2005) – OK – 6/1 (RM)

Requests:

1. Consider a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) to amend Article VIII. Sign Requirements to allow smaller signs to be located near the street, to prevent the installation of taller signs currently allowed, and to make sign character and quality a consideration for the Development Review Board.
2. Adopt Ordinance No. 3641 affirming the text amendment.

Location: Citywide

Reference: 7-TA-2004

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

13. Scottsdale and Lone Mountain Site Plan and Stipulation Amendments – MOTION TO APPROVE, WITH ATTACHED STIPULATIONS INCLUDING NO. 4, ITEM J, AND ITEM NO. 7, WHICH READS “ADDITIONAL BERMING AND SCREENING, LANDSCAPING ELEMENTS, SHALL BE INSTALLED AT DEVELOPER EXPENSE. THE EXACT LOCATION AND PROFILE SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW BOARD”. STAFF WAS DIRECTED TO PROVIDE NAOS GUIDANCE. OK – 6/0 (BD ABSTAINED)

Requests:

1. Approve site plan and stipulation amendments from previous County/City approval on a 14.7 +/- acre parcel located at the southeast corner of Scottsdale and Lone Mountain roads with Planned Community Center, Environmentally Sensitive Lands, Hillside District (PCC ESL HD) zoning.
2. Adopt Ordinance No. 3640 affirming the site plan and stipulation amendments.

Location: Southeast corner of Scottsdale and Lone Mountain roads.

Reference: 23-ZN-2004

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

14. 68th Street and Camelback Road Rezoning – MOTION TO APPROVE, ADDING STIPULATION 6 AND 1B – OK – 7/0

Requests:

1. Rezone from Multiple Family Residential District, Downtown Overlay (R-5 DO) to Downtown Regional Commercial Office/Type 2 Intermediate Development, Planned Block Development, Downtown Overlay (D/RCO-2 PBD DO) on a 89,279 +/- square foot parcel at the northeast corner of 68th Street and Camelback Road.
2. Adopt Ordinance No. 3632 affirming the above rezoning.

REGULAR AGENDA

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Location: 6808 E. Camelback Road

Reference: 10-ZN-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

15. **Western Museum Feasibility Study** – MOTION TO APPROVE A FUNDING ALLOCATION FROM THE COMMUNITY ARTS TRUST NO. #280 01891 FOR A STUDY THAT WILL ASSESS THE FEASIBILITY OF A LOCALLY DEVELOPED WESTERN MUSEUM. THE CITY'S PARTICIPATION, WHICH WOULD REPRESENT HALF OF THE TOTAL PROJECT COST, WILL NOT EXCEED \$60,000 AND WILL BE ALLOCATED AS FOLLOWS: \$50,000 FOR A CONSULTANT AGREEMENT AND \$10,000 TO OFFSET ADMINISTRATIVE COSTS INCURRED BY THE SCOTTSDALE CULTURAL COUNCIL.

MOTION TO AMEND TO TAKE OUT THE \$10,000 TO OFFSET ADMINISTRATIVE COSTS INCURRED BY THE SCOTTSDALE CULTURAL COUNCIL – DENIED – 4/3 (MM, WE, BD)

MOTION TO APPROVE A FUNDING ALLOCATION FROM THE COMMUNITY ARTS TRUST NO. #280 01891 FOR A STUDY THAT WILL ASSESS THE FEASIBILITY OF A LOCALLY DEVELOPED WESTERN MUSEUM. THE CITY'S PARTICIPATION, WHICH WOULD REPRESENT HALF OF THE TOTAL PROJECT COST, WILL NOT EXCEED \$60,000 AND WILL BE ALLOCATED AS FOLLOWS: \$50,000 FOR A CONSULTANT AGREEMENT AND \$10,000 TO OFFSET ADMINISTRATIVE COSTS INCURRED BY THE SCOTTSDALE CULTURAL COUNCIL. – OK – 6/1 (RL)

Request: Consider a funding allocation from the Community Arts Trust #280 01891 for a study that will assess the feasibility of a locally developed western museum. The City's participation, which would represent half of the total project cost, will not exceed \$60,000 and will be allocated as follows: \$50,000 for a consultant agreement and \$10,000 to offset administrative costs incurred by the Scottsdale Cultural Council. There will be no impact to the General Fund.

Related Policies, References: Resolution No. 6027 and Redevelopment Agreement 2002-024-COS between the Loloma Arts District Group L.L.C. and the City of Scottsdale.

Staff Contact(s): Jan Dolan, City Manager, 480-312-2422, jdolan@scottsdaleaz.gov; John Little, Downtown Group Executive Director, 480-312-2539, jlittle@scottsdaleaz.gov

Public Comment – NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

Mayor and Council Items begin on the following page

City Manager's Report – NONE**Mayor and Council Items**

16. **Citizen Petition Requesting a Barricade on Hayden Road Between Indian School and Osborn Roads – MOTION TO CONSTRUCT CABLE BARRIER AS INTERIM SOLUTION AND TEMPORARY LANDSCAPING ON NEIGHBORHOOD SIDE, USING THE INDIAN SCHOOL ROAD PROJECT TO IDENTIFY AND CONSTRUCT FUTURE IMPROVEMENTS – OK – 7/0**

Request: Consideration of a citizen petition, as provided for by City Charter, requesting installation of a barricade along the east side of Hayden Road between Indian School and Osborn roads.

This petition was provided to Council at the August 29, 2005 City Council meeting. The petition states: We, the undersigned, are demanding that the City of Scottsdale install a barricade along the east side of Hayden Road between Indian School and Osborn to prevent automobiles from ramming into homes causing any further injury to local residents.

Related Policies, References: City Charter, Article 2, Section 16 states: Consideration of petitions. Any citizen of the City may appear before the Council at any regular meeting and present a written petition; such petition shall be acted upon by the Council, in the regular course of business, within thirty (30) days.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

17. **Naming the City's Public Safety Administration Building in Memory of Louis A. "Lou" Witzeman, Jr. – MOTION TO APPROVE – OK – 7/0**

Request: Consider the request of Councilman Lane to approve Resolution No. 6732 naming the City of Scottsdale's new public safety administration building the "Witzeman Public Safety Building" in memory of Louis A. "Lou" Witzeman, Jr. (1924–2004), a Scottsdale community leader and business owner responsible for providing leadership for Scottsdale's fire protection services from the City's incorporation in 1951 until his retirement in 1981.

Related Policies, References: Resolutions Nos. 6600 and 6603, dated January 11, 2005, allowing the City to acquire the public safety administration building and property.

Staff Contact(s): Brent Stockwell, Assistant to the Mayor and City Council, 480-312-7288, bstockwell@scottsdaleaz.gov

18. **Research and Analysis of Ethics Initiatives – MOTION TO APPOINT A CITIZEN'S CODE OF ETHICS TASK FORCE TO AID THE COUNCIL IN CREATING AN EFFECTIVE AND COMPREHENSIVE CODE OF ETHICS FOR THE CITY OF SCOTTSDALE. EACH COUNCILMEMBER SHALL BE EMPOWERED TO APPOINT ONE MEMBER OF THE TASK FORCE, WITH THE MAYOR APPOINTING ONE OF THE MEMBERS AND ASSIGNING THE CHAIR. THE TASK FORCE APPOINTMENTS TO BE MADE AT THE NEXT SCHEDULED COUNCIL MEETING.**

MOTION TO AMEND REQUIRING THE COMMISSION TO PROVIDE A REPORT TO COUNCIL BY JANUARY 31, 2006 – OK – 7/0.

MOTION TO AMEND ALLOWING THE COMMISSION TO ELECT THEIR OWN CHAIR – DENIED 3/4 (JL, RL, RM).

MOTION TO APPOINT A CITIZEN'S CODE OF ETHICS TASK FORCE TO AID THE COUNCIL IN CREATING AN EFFECTIVE AND COMPREHENSIVE CODE OF ETHICS FOR THE CITY OF SCOTTSDALE AND PROVIDING RECOMMENDATIONS TO THE CITY COUNCIL BY JANUARY 31, 2006. EACH COUNCILMEMBER SHALL BE EMPOWERED TO APPOINT ONE MEMBER OF THE TASK FORCE, WITH THE MAYOR APPOINTING ONE OF THE MEMBERS AND ASSIGNING THE CHAIR. THE TASK FORCE APPOINTMENTS TO BE MADE AT THE NEXT SCHEDULED COUNCIL MEETING. – OK – 7/0

Request: Review research information and provide Council direction regarding the development of an ethics policy.

Related Policies, References:

- April 5, 2005 Summarized Minutes Scottsdale City Council Meeting - Citizen Petition to Scottsdale City Council to adopt an official ethics policy substantially similar to the Town of Paradise Valley, Arizona.
- May 3, 2005 City Council Report – Citizen Petition regarding Ethics Policy

Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2604, nshearer@scottsdaleaz.gov; Teri Traaen, Human Resources General Manager, 480-312-2615, ttraaen@scottsdaleaz.gov

Adjournment of the City Council Meeting and Convening of: 9:40 P.M.

**Scottsdale Waterfront Commercial Community Facilities District
Agenda Attached**

**SCOTTSDALE WATERFRONT COMMERCIAL
COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA**

The agenda for the meeting is as follows:

1. Call to Order – **9:40 P.M. (BD RECUSED)**
2. Adopt Resolution No. 1, which: - **OK – 6/0 (BD ABSTAINED)**
 - a. Appoints officers for the District;
 - b. Approves the General Plan;
 - c. Authorizes a District Development, Financing Participation and Intergovernmental Agreement No. 1;
 - d. Orders and establishes a public hearing date for a feasibility study;
 - e. Orders and calls for a General Obligation Bond Election; and
 - f. Orders and calls for an election for the operation and maintenance (O&M) levy.
3. Adjournment – **9:43 P.M.**

Dated: September 20, 2005